

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

JUQURRY FREEMAN,  Movant,  vs.  UNITED STATES OF AMERICA,  Respondent.	4:24-CV-04174-KES  ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING MOVANT'S § 2255 MOTION
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Movant, Juqurry Freeman, filed a motion under 28 U.S.C. § 2255 to vacate, correct, or set aside his sentence. Docket 1. Freeman alleges that his former defense counsel was ineffective because he requested that she file a notice of appeal after his sentencing, but she did not do so. *Id.* at 1. The matter was referred to United States Magistrate Judge Veronica L. Duffy under 28 U.S.C. § 636(b)(1)(B) and the District of South Dakota's Civil Local Rule 72.1.A.2(b), which designates to the magistrate judge the duty to prepare proposed findings and recommendations for the disposition of habeas petitions.

Magistrate Judge Duffy submitted a report and recommended that counsel be appointed for Freeman and an evidentiary hearing be scheduled. Docket 15 at 1. The court adopted the magistrate judge's report and recommendation and ordered the magistrate judge to appoint counsel for Freeman, conduct an evidentiary hearing, and issue a report and recommendation. Docket 16. After appointing counsel and conducting an

evidentiary hearing, Magistrate Judge Duffy submitted a report and recommended that Freeman's claim of ineffective assistance of counsel be dismissed with prejudice. Docket 27 at 15. Freeman and the government notified the court that they have no objection to the report and recommendation (Docket 27) filed on March 19, 2025. Dockets 28, 29. The court has considered the case de novo and adopts the report and recommendation (Docket 27) in full. Thus, it is ORDERED:

1. That the magistrate judge's report and recommendation (Docket 27) is adopted in full.
2. That Freeman's § 2255 motion is dismissed with prejudice.
3. For the reasons set forth herein and pursuant to Fed. R. App. P. 22(b), the court finds that Freeman has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Thus, a certificate of appealability is denied.

DATED April 1, 2025.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE